REMARKS

Objections to the Drawings

The Office Action at page 2, paragraphs 2-5, objects to the drawings of the present application, stating:

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "106" and "130" have both been used to designate "Services Gateway".

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "108" and "202" have both been used to designate "DML".

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "118" has been used to designate both "Domain" and "Interface".

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 300, 313, 317, 495, 557, 564, 567, 570, 904, 906, 911, and 969.

Appropriate correct is required.

In response to the objection recited at page 2, paragraph 2 of the Office Action, Applicants have changed the reference character for "Services Gateway" from "130" to "106" in Figure 2 of the present application. In response to the objection recited at page 2, paragraph 3 of the Office Action, Applicants have changed the label for reference character "202" from "DML" to "DML Class" in Figures 3, 4, and 5 of the present application. In response to the objection recited at page 2, paragraph 4 of the Office Action, Applicants have changed the reference character for "Interface" from "118" to "119" in Figure 2. In response to the objection recited at page 2, paragraph 5 of the Office Action, Applicants have amended pages 26, 34, 36, 39, 50, 59, 84, and 86 in Applicants' specification to incorporate reference characters 300, 313, 317, 495, 557, 564, 567, 570, 904, 906, 911, and 969 into the specification. Applicants submit that the present amendments do not introduce any new matter into this present application. Applicants respectfully request that the objections to the drawings be withdrawn.

Objections to the Specification

The Office Action at page 3, paragraphs 7, 9, and 10, objects to the specification of the present application stating:

> 7.   The disclosure is objected to because of the following informalities:
> - Page 12 line 2, replace "HomPlug" before "protocol" with – HomePlug—
> - Page 12 line 4, replace "HomePlug" before "enabled" with – HomePlug—
> - Page 18 line 24, replace "126" before "includes" with –106—
> - Page 24 line 16, replace "130" before "of figure 2" with –106—
> - Remove blank page between page 52 and 53
>   Appropriate correction is required.
> ...
> 9.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
>
> 10.   The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

In response to the objections recited in numbered paragraphs 7 and 9 above, Applicants have amended pages 12, 18, and 24 of Applicant's specification. In addition, Applicants have changed the title of the present application in accordance with suggestions made by the Examiner during a telephone conversation between Applicants and the Examiner on December 17, 2007. Applicants submit that the present amendments do not introduce any new matter into this present application. Applicants respectfully request that the objections to the specification be withdrawn.

Claim Amendments

In an effort to the move this case forward, Applicants have amended claims 1, 8, and 15 in this Response. In amending the claims in the present application, Applicants do not concede that the claims as originally filed were not in a condition for allowance. Rather,

Applicants reserve the right to pursue the originally filed claims in one or more continuation or divisional applications.

Applicants have amended claims 1, 8, and 15 to include the limitation "the first domain including a plurality of network-connected devices, the domain state object including information that describes the state of the devices in the first domain and specifies a user in the first domain, the devices in the first domain having been altered in response to the physical condition of the user in the first domain." Support for this phrase is found in Applicants' original specification at page 76, lines 25-27, and page 77, line 16, through page 79, line 27.

Applicants have also amended claims 1, 8, and 15 to include the limitation "that also includes a plurality of network-connected devices, at least one of the devices in the second domain administered in dependence upon the information describing the state of the devices in the first domain." Support for this phrase is found in Applicants' original specification at page 78, line 20, through page 79, line 27. Applicants submit that the present amendments do not introduce any new matter into this present application.

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Claim Rejections – 35 U.S.C. § 102

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Claims 1-21 stand rejected under 35 U.S.C. § 102 as being anticipated by Phipps (U.S. Patent No. 6,579,231) (hereafter, 'Phipps'). To anticipate claims 1-21 under 35 U.S.C. § 102, Phipps must disclose and enable each and every element and limitation recited in the claims of the present application. As explained below, Phipps does not disclose or enable each and every element and limitation recited in the claims of the present application and therefore does not anticipate the claims of the present application.

Phipps Does Not Disclose Each And
Every Element Of The Claims
Of The Present Application

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claim 1 of the present application, as amended, recites:

1.   A method for administering devices, the method comprising:

creating, in a first domain, a domain state object, the first domain including a plurality of network-connected devices, the domain state object including information that describes the state of the devices in the first domain and specifies a user in the first domain, the devices in the first domain having been altered in response to the physical condition of the user in the first domain; and

transmitting the domain state object from the first domain to a second domain that also includes a plurality of network-connected devices, at least one of the devices in the second domain administered to alter the user's environment in the second domain in dependence upon the information describing the state of the devices in the first domain.

Phipps Does Not Disclose Transmitting The Domain State Object From The First Domain To A Second Domain That Also Includes A Plurality Of Network-Connected Devices, As Claimed In The Present Application

The Office Action takes the position that Phipps at Figure 1, abstract, column 2, lines 34-40, and column 3, lines 39-43, and column 3, line 66-column 4, line 5, discloses the second element of claim 1: transmitting the domain state object from the first domain to a second domain that also includes a plurality of network-connected devices, at least one of the devices in the second domain administered to alter the user's environment in the

second domain in dependence upon the information describing the state of the devices in the first domain. Applicants respectfully note in response, however, that what Phipps at the abstract in fact discloses is:

> A portable unit worn by a subject, comprising a medical monitoring device, a data processing module with memory and transmitter for collecting, monitoring, and storing the subject's physiological data and also issuing the subject's medical alarm conditions via wireless communications network to the appropriate location for expeditious dispatch of assistance. The unit also works in conjunction with a central reporting system for long term collection and storage of the subject's physiological data. The unit may have the capability to automatically dispense chemicals that may alleviate or assist in recovery from an illness.

What Phipps at column 2, lines 34-40, in fact discloses is:

> The stored information may then be downloaded into a computer to be analyzed. The computer may be located anywhere, including in a hospital, a clinic, the individuals home, or a physician's office. In addition, the monitoring device may also be able to provide real time information to the monitored subject at a touch of a button.

And what Phipps at column 3, lines 39-43, in fact discloses is:

> The system is generally comprised of the PDU 14 and the monitoring device 16, in conjunction with a Central Reporting System (CRS) 18, a Subject/Device Database 20, and a communications network 22 as shown.

And what Phipps at column 3, line 66- column 4, line 5, in fact discloses is:

> In a first and preferred embodiment, in order to minimize size, a subject profile is not stored in PDU memory. The device ID 66 is included in all transmissions. The CRS uses the device ID as a key to look up the subject profile in the Subject/Device Database. In a second embodiment, a subject profile 68 is stored in PDU memory 54, but only includes a subject identifier.

That is, Phipps at the cited reference points discloses a portable unit worn by a subject for collecting, monitoring, and storing the subject's physiological data and also issuing the

subject's medical alarm conditions via wireless communications network to the appropriate location for expeditious dispatch of assistance and for long term collection and storage of the subject's physiological data. Phipps' portable medical unit, however, does not disclose transmitting the domain state object from the first domain to a second domain such that at least one of the devices in the second domain is administered to alter the user's environment in the second domain in dependence upon the information describing the state of the devices in the first domain. Phipps' portable medical unit issues alarms and provides physiological data for long term data collection, but these alarms and physiological data do not administer any devices in a second domain to alter the user's environment in that second domain. In contrast, Phipps' alarms and collected physiological data do not affect the user's environment in any domain—neither the domain in which the physiological data is collected nor any other domain which the user may enter.

Moreover, Phipps does not disclose multiple domains as claimed in the present application. A domain state object, as claimed here, is passed from a first domain to a second domain, each domain including a plurality of networked devices. In contrast to the claims in the present application, Phipps does not disclose two particular networked environments which pass a domain state object from one networked environment to the other networked environment. Instead, Phipps only discloses Phipps' PDU, which is not a networked environment, issuing a phone call or page, which is not a domain state object, to the CRS or 911 Call Center over a paging network or cellular network. Nothing in Phipps discloses two distinct domains, each domain including a plurality of networked devices, which pass a domain state object from one domain to the other as claimed in the present application. Because Phipps does not disclose multiple domains, Phipps cannot possibly disclose transmitting the domain state object from the first domain to a second domain that also includes a plurality of network-connected devices, at least one of the devices in the second domain administered in dependence upon the information describing the state of the devices in the first domain as claimed in the present application. Because Phipps does not disclose each and every element and

limitation of Applicants' claims, Phipps does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102 should be withdrawn.

Phipps Does Not Enable Each and Every Element
Of The Claims Of The Present Application

Not only must Phipps disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but also Phipps must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Applicant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Phipps places Applicants' claims in the possession of a person of ordinary skill in the art, Phipps is legally insufficient to anticipate Applicants' claims under 35 U.S.C. § 102. As explained above, Phipps does not disclose each and every element and limitation of independent claim 1 of the present application. Because Phipps does not disclose each and every element, Phipps cannot possibly place the elements and limitations of the independent claims in the possession of a person of ordinary skill in the art. Phipps cannot, therefore, anticipate claim 1 of the present application.

Relations Among Claims

Independent claim 1 claims method aspects for administering devices according to embodiments of the present invention. Independent claims 8 and 15 respectively claim system and computer program product aspects for administering devices according to embodiments of the present invention. Claim 1 is allowable for the reasons set forth

above. Claims 8 and 15 are allowable because claim 1 is allowable. The rejections of claims 8 and 15 therefore should be withdrawn, and claims 8 and 15 should be allowed.

Claims 2-7, 9-14, and 16-21 depend respectively from independent claims 1, 8 and 15. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Phipps does not disclose and enable each and every element of the independent claims, Phipps cannot possibly disclose and enable each and every element of any dependent claim. The rejections of Claims 2-7, 9-14, and 16-21 therefore should be withdrawn, and these claims also should be allowed.

Conclusion

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Phipps. Because Phipps does not disclose and enable a method, system, or computer program product for administering devices as claimed in the present application, claims 1-21 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-21.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: __January 16, 2008_____   By: _____

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